

REMARKS

By this amendment, claims 1-40 are pending, in which claims 1, 2, and 21 are currently amended, claim 40 is newly presented, and no claims are canceled or withdrawn. No new matter is introduced.

The Office Action mailed March 10, 2004 rejected claims 1-4, 7-9, 12-13, 20-24, 27-28, 31-32, and 39 under 35 U.S.C. § 102(b) as anticipated by *Nilakantan et al.* (U.S. 5,541,911), claims 6, 14-16, 18-19, 26, 33-35, and 37-38 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Gibson et al.* (U.S. 6,680,943), claims 5 and 25 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Haas* (U.S. 5,115,432), claims 10, 11, 29, and 30 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Chapman et al.* (U.S. 6,233,245), and claims 17 and 36 under 35 U.S.C. § 103(a) as obvious over *Nilakantan et al.* in view of *Sauter* (U.S. 5,537,546).

Claim 2 has been amended to resolve a noted cosmetic informality.

Amended independent claim 1 recites a **“routing a second portion of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system, wherein the second network is different from the first network.”** (See, e.g., FIG. 2, distributed network access system 31, external processor 42 and PAD 40, FIG. 3, FIG. 4)

With regard to claims 1 and 21, the Office Action contends that the recited “transmitting” step of claim 1 is disclosed by *Nilakantan et al.* at col. 2: 13-16, and the recited step of “communicating” messages of claim 1 is disclosed at col. 2: 22-28. (Office Action, page 2, lines 17-22) As best understood, the Office Action thus equates the recited “external processor” to a

central node, e.g., the central node 10, equates the recited “programmable access device” to a leaf node, e.g., leaf node 11, and equates the “network access system” to the central node, the point to point WAN 22, and the leaf nodes of *Nilakantan et al.*

The system of *Nilakantan et al.* includes “data forwarding resources” which forward data packets originated by users of a remote network across a communication link to a central device in response to characteristics of the packets. Additionally, the system includes filter and spoof resources which are utilized to control multicast and broadcast background traffic which is not necessary for communication across a WAN link 90 to a central node 92. In the context of *Nilakantan et al.*, a leaf node 91 is a remote interface for the central node 92 which forwards packets that are addressed to the interface on the central node for the leaf network across a WAN link 90 to the central node for routing, and forwards packets received across the WAN link 90 which are not addressed to the leaf node 91 to the attached network. (col. 6: 37-48) There is no discussion or suggestion of **“routing a second portion of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system, wherein the second network is different from the first network”** as recited by amended independent claim 1.

Similarly, there is no discussion or suggestion of “forwards a second portion of the received messages not communicated to the external processor for routing, via a second network interface different from the first network interface, to a second network external to the network access system, wherein the second network is different from the first network” as recited by amended independent claim 21. Thus, Applicants respectfully request withdrawal of the rejection with respect to amended independent claims 1 and 21.

The rejection of dependent claims 2-4, 7-9, 12-13, 20, 22-24, 27-28, 31-32 and 39 should be withdrawn for at least the same reasons as their respective independent claims, and these claims are separately patentable on their own merits.

With regard to the obviousness rejections of claims 6, 14-16, 18-19, 26, 33-35, and 37-38, Applicants respectfully submit that the deficiencies of *Nilakantan et al.* are not cured by the secondary reference of *Gibson et al.*, particularly with respect to **“routing a second portion of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system, wherein the second network is different from the first network.”** *Gibson et al.* is cited as supposedly teaching “a network node remotely configured that includes configuring a session to have a guaranteed quality of service, which gives a minimum threshold of activity to a connection service,” “transmitting a session deletion control message,” “establish a network connection in response to receipt of a message,” “exchanging keepalive messages,” “sending an acknowledgment,” and “communicating a state of the session” (Office Action, page 5, lines 3-5, lines 12-16, lines 19-20, page 6, lines 2-3, lines 5-6, and lines 9-11) Thus, Applicants respectfully request withdrawal of the rejection with respect to claims 6, 14-16, 18-19, 26, 33-35, and 37-38.

With regard to the obviousness rejections of claims 5 and 25, Applicants respectfully submit that the addition of *Haas* fails to satisfy the feature of **“routing a second portion of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system, wherein the second network is different from the first network”** as recited by claim 1. *Haas* is cited for a supposed teaching that an access device’s configured policy should include a retransmissions policy.

With regard to the obviousness rejections of claims 10, 11, 29, and 30, Applicants respectfully submit that the addition of *Chapman et al.* fails to satisfy the claimed feature of **“routing a second portion of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system, wherein the second network is different from the first network.”** *Chapman et al.* is cited as supposedly teaching an access device with one or more associated output buffers and transmitting a shaper control message.

With regard to the obviousness rejections of claims 17 and 36, the combination of *Nilakantan et al.* and *Sauter* similarly fails to teach **“routing a second portion of the received messages not communicated to the external processor from the network access system via a second network interface different from the first network interface to a second network external to the network access system, wherein the second network is different from the first network.”** *Sauter* is cited as supposedly teaching managing a network node with an API. Thus, Applicants respectfully request withdrawal of the rejection with respect to claims 5-6, 10-11, 14-19, 25-26, 29-30, and 33-38.

Newly presented claim 40 is drawn to a distributed router and recites “a first network interface through which packets are communicated with a first network; a second network interface different from the first network interface through which packets are communicated with a second network different from the first network; a programmable access device configured to input messages from the first network via the first network interface; and an external processor configured to receive, from the programmable access device, a first portion of the input messages and to transmit a control message to the programmable access device specifying a configuration to control the selection of the first portion, wherein the

programmable access device forwards a second portion of the input messages not received by the external processor for routing via the second network interface to the second network.”

The applied art fails to disclose the above features. Care was exercised to introduce no new matter. (See, e.g., FIG. 2 and specification, page 5, lines 21-23)

Therefore, the present application, as amended, overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-6499 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

DITTHAVONG & CARLSON, P.C.

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Date

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